

IN RE: PETITION FOR ZONING VARIANCE
S/S Ida Avenue, 360' W of
Mace Avenue
(337 Ida Avenue)
15th Election District
5th Councilmanic District
Kirk Riggs, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-26-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two recreational vehicles to be parked in the front yard driveway in lieu of the maximum permitted one recreational vehicle parked 8 feet behind the lateral projection of the front foundation line of the dwelling as required, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as Protestants in the matter were Gregory M. Yunas, Marie L. Heck, Anthony and Helen Capecci, and James and Alice Frederick.

Testimony indicated that the subject property, known as 337 Ida Avenue, consists of 18,800 sq.ft. zoned D.R. 5.5 and is improved with an in-ground swimming pool and single family dwelling which has been Mr. Riggs residence for the past 25 years. Mr. Riggs testified the instant Petition was filed as a result of a zoning violation notice they recently received for parking a trailer and pop-up trailer in the front yard on the driveway. Testimony indicated that at this time the trailer has been removed and the pop-up trailer is the one recreational vehicle remaining in the driveway. Petitioners contend that to require strict compliance with the zoning regulations would result in practical difficulty as access to the side and rear yards is difficult. To support their position, Petitioners introduced photographs depicting the layout of the property and existing

improvements. Mrs. Riggs testified that the pine trees, fence and concrete steps as well as the 3-foot high grade difference along the side of the property, prevent reasonable access to park the recreational vehicles in compliance with the zoning regulations. Petitioners argued that they have had a pop-up trailer on the property for the past 25 years without creating any previous hardship and that a number of their neighbors have no objections to the relief requested. To support their position, Petitioners submitted a signed Petition, identified as Petitioner's Exhibit 3, indicating some of their neighbors' approval of the variance.

Gregory Yunas testified on behalf of the Ida Avenue Civic Association, which consists of 37 homeowners, all residents of Ida Avenue. He testified that a meeting was held to discuss the Petitioners' variance at which 17 members appeared. Mr. Yunas testified that all were opposed to the parking of the trailer in the front yard and that many did not object to the pop-up trailer. However, he indicated the residents were concerned about the long-term effect any variance granted in this matter would have on the community. Mr. Yunas introduced photographs depicting the location of the pop-up trailer and surrounding community. The Capeccis and the Fredericks indicated they are generally opposed to any variances being granted due to the adverse impact on the community same would have.

In response to the testimony presented by the Protestants, Petitioners agreed that the variance requested would be limited to the life of the existing pop-up trailer, which they have owned for the past 7 years. Petitioners then provided the vehicle identification number for the trailer and subsequent to the hearing, telephoned this office to provide the height and dimensions of the subject trailer. Further, in response to the questions raised at the community meeting, Petitioners requested that the

variance granted herein be limited to them for the period that they own and occupy the subject dwelling.

A variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for a variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The testimony and evidence presented by both sides clearly indicated that Ida Avenue is a well-maintained street on which the residents take much pride in their property. The variances initially requested by Petitioners, if granted, would not be in keeping with the spirit and intent of the zoning regulations. However, the modified variance granted hereinafter shall be limited to the one pop-up camper currently existing on the property. In the opinion of the Deputy Zoning Commissioner, the granting of a modified variance would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the health, safety, or general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

variance requested, as hereinafter modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of September, 1990 that a variance to permit one recreational vehicle to be parked in the front yard driveway, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Variance is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to bring the property into compliance with the zoning regulations.
- 2) The variance granted herein is limited to the pop-up trailer Petitioners currently own, identified as a Coleman, Vehicle Identification No. 12N200M4BH-000729. In the event Petitioners sell the subject pop-up trailer, the variance granted herein shall terminate. Further, the variance granted herein is limited to the Petitioners for as long as they occupy the subject dwelling. Upon such time as the property is sold, leased or transferred, the variance granted herein shall terminate.
- 3) The pop-up trailer shall at all times be parked on the property with the top down and the canvas cover over it, and no closer to the street than that depicted in the photograph identified as Protestant's Exhibit 1A.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order. Further, Petitioners shall submit from time to time as requested by the Zoning Office, the current registration of the permitted recreational vehicle. At all times, the subject pop-up trailer shall be registered and operable.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 18, 1990



Mr. & Mrs. Kirk Riggs
337 Ida Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
S/S Ida Avenue, 360' W of Mace Avenue
(337 Ida Avenue)
15th Election District - 5th Councilmanic District
Kirk Riggs, et ux - Petitioners
Case No. 91-26-A

Dear Mr. & Mrs. Riggs:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Gregory Yunas
346 Ida Avenue, Baltimore, Md. 21221
Ms. Marie L. Heck
340 Ida Avenue, Baltimore, Md. 21221
Mr. & Mrs. Anthony Capecci
344 Ida Avenue, Baltimore, Md. 21221
Mr. & Mrs. James Frederick
321 Ida Avenue, Baltimore, Md. 21221
People's Counsel
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-26-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 415.A.1 To allow two recreational vehicles to be parked in the front yard (driveway) in lieu of permitted 1 RV and the required 8 ft. behind the lateral projection of the front foundation line of the dwelling respectively.

Removal of concrete wall and existing pine trees to park recreational vehicle(s) 8' behind front wall would cause undue hardship and expense.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Kirk Riggs
(Type or Print Name)
Signature: Kirk Riggs
Address: 337 Ida Ave.
City and State: Baltimore, MD
Attorney for Petitioner: Brenda Rigg
(Type or Print Name)
Signature: Brenda Rigg
Address: 337 Ida Ave.
City and State: Baltimore, MD
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Kirk Riggs, 337 Ida Ave., Baltimore, MD 21221, 887-0130

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of September, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 17th day of Sept. 1990, at 2 o'clock.

ESTIMATED LENGTH OF HEARING: 1/2 HR.
ALL REVIEWED BY: J. Robert Haines
DATE: 6-22-90

ZONING DESCRIPTION

Beginning at a point on the South side of Ida Avenue which is 40 feet wide at the distance of 330 feet West of the centerline of the nearest improved intersecting street, Mace Avenue, which is 50' wide. Being known and designated as Lots Nos. 34 and 35, on the Plat of Lou-Har Terrace, which Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 7, folio 16. The improvements thereon being known as No. 337 Ida Avenue, located in the 15th Election District.

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2817

Date

5/22/90

H9000457

PUBLIC HEARING FEE
TOTAL: \$35.00

Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Variance
Petitioner: Kirk Riggs et ux
Location of property: 337 Ida Ave.
Location of signs: Posting Ida Ave. 8' behind front wall
Remarks: Property of Petitioner
Posted by: M. N. Nastarowicz
Number of signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/17 19 90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15, 19 90.

THE JEFFERSONIAN.

S. Zetser Orlov
Publisher

P.O. 106274
944.84

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

August 16 19 90

THIS IS TO CERTIFY, that the annexed advertisement of

Kirk Riggs in the matter of Petition for Zoning Variance of 337 Ida Ave. Case # 91-26-A, P.O.#0106275, Reg.#M46003 91 lines @.55 or \$50.05

was inserted in **The Avenue News** a weekly newspaper

published in Baltimore County, Maryland once a week for 1 successive week(s) before the 17 day of August 1990.

that is to say, the same was inserted in the issues of Aug 16 19 90

The Avenue Inc.

per publisher

By *Deane B. Caldwell*

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Petitioner(s): Kirk Riggs, et ux
Case Number: 91-26-A
S/S Ida Avenue, 360' W of Place Avenue
337 Ida Avenue
15th Election District - 5th Councilmanic
Hearing Date: FRIDAY, SEPTEMBER 14, 1990 at 2:00 p.m.
Variance: To allow two recreational vehicles to be parked in the front yard (driveway) in lieu of permit 1 RV and the required 8 ft. behind the lateral projection of the front foundation line of the dwelling respectively. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County Maryland

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

N. 3408

Date

8/14/90

#9103205

PUBLIC HEARING FEES

QTY

PRICE

Q90 - POSTING SIGNS / ADVERTISING 1 x \$119.80

TOTAL: \$119.80

LAST NAME OF OWNER: RIGGS

04404#0121M10N6C

BA 0001:19FMR90-14-90

\$119.80

Cashier Validation:

Please make checks payable to Baltimore County

receipt

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 8-30-90

Mr. & Mrs. Kirk Riggs
337 Ida Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 91-26-A
S/S Ida Avenue, 360' W of Place Avenue
337 Ida Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Kirk Riggs, et ux
HEARING: FRIDAY, SEPTEMBER 14, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ 119.80 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHiggs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 19, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-26-A
S/S Ida Avenue, 360' W of Place Avenue
337 Ida Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Kirk Riggs, et ux
HEARING: FRIDAY, SEPTEMBER 14, 1990 at 2:00 p.m.

Variance to allow two recreational vehicles to be parked in the front yard (driveway) in lieu of permit 1 RV and the required 8 ft. behind the lateral projection of the front foundation line of the dwelling respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Riggs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 7, 1990

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

Mr. & Mrs. Kirk Riggs
337 Ida Avenue
Baltimore, MD 21221

RE: Item No. 457, Case No. 91-26-A
Petitioner: Kirk Riggs, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Riggs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 11th day of July, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Kirk Riggs, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 19, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhon, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JULY 3, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KIRK RIGGS
Location: #337 IDA AVENUE
Item No.: 457 Zoning Agenda: JULY 10, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* July 19, 1990 Noted and Approved *Captain J. F. Braden*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

J. Robert Haines
Zoning Commissioner- Baltimore County, Md.
Room 113
111 West Chesapeake Avenue
Baltimore, Maryland 21204

We represent the 13th Avenue Residential Civic Association and are writing in reference to the variance hearing scheduled for Friday September 14, 1990 at 2:00 p.m., case #91-26-A.

This letter is written to acknowledge to the Zoning Commission that we oppose the requested variance at 337 Ida Avenue and to acknowledge that we will attend the variance hearing September 14, 1990.

Sincerely Yours,

Sincerely Yours,
Gregory M. Gubas
Anthony V. Capucci

for The Ida Avenue Residential
Civic Association

RECEIVED
AUG 25 1963
ZONING OFFICE

<u>NAME</u>	<u>ADDRESS</u>
GREGORY M. YUNAS	846 101 Ave BALTO MD 21221
MURPHY J. WELCH	340 IDA AVE BALTO 21221
WILLIAM J. GREENE	344 S. MA AVE. 21221
WILSON, EUGENIE	344 S. MA AVE 21221
WILLIAM E. GUNDERICK	321 S. MA AVE. 21221
JAMES F. FREDERICK	321 MA AVE 21221

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Kirk Riggs	337 Ida Avenue 21221
Brenda Riggs	337 Ida Avenue 21221

Howard & Linda Bonnell
336 Ida Avenue
Mark & Cathy Tutton
339 Ida Avenue
John & Joyce Thomas
339 Ida Avenue
Pamela & Ervyn Ely
335 IDA AVE
Lorraine & Charles Brooks
338 IDA AVE

PUBLISHERS'S
 EXCISE 3

A black and white photograph showing a white van parked on a street. To the left of the van is a house with a chimney. The background is filled with trees. The image is somewhat grainy and has a high-contrast appearance.

Carl P. Jaworski
Anna E. Jaworski

JAWORSKI 14a
On September 12, 1995
WOLA (nee Prazmowski)
beloved wife of the late
P. Jaworski, died.
Survived mother of Bernard and Carl Jaworski
and the late Philip,
son and James and Joseph
and Marie Livermore.
Also survived by thirteen
grandchildren, nineteen
great grandchildren and
one great, great grand
child.
Family and friends met
at the George
Weber & Sons, Inc.,
normal home, 705 S. A
street from 3 to 5 p.m.
P. M. Mass
Christian Burial at
St. Stanislaus Church
Saturday September 16,
Cemetery, Christ
Mass Service on Fri

PROTESTANT
EXHIBIT 2

LOTS 24-35

.011 HAD TERRACE

PLAT BACK TIG

1ST DISTRICT BALTIMORE CO., MARYLAND

DATED 7-20-87

SCALE 1"=30'

Zoning = DR-S.S.

Lot Size = 18890 SQ. FT.

Existing Utilities In Ida Ave

IDA

Area to park RV's (Two)

360' To MAICE AVE

Existing 30' Pine Trees

Existing House

91-26-A

PETITIONERS FILED

CITY OF BALTIMORE

CLERK

NOT IN Critical Area

FRANK E. LEE

1277 NEIGHBORS AVE.

BALTIMORE, MD. 21237

[illegible]